

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
June 25, 2014

SPECIAL MEETING

Darien Town Hall - Room 206 - 7:05 to 7:47 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Gary Greene, Rich Wood, Kevin Fullington and Mike Nedder

Staff Present: Code Compliance Officer Robert Woodside and Town Counsel John Louizos and Wayne Fox

Upon a motion by Vic Capellupo, seconded by Rich Wood, the ZBA voted 5-0 to go into a Special Meeting Executive Session to discuss pending litigation with Town Counsel John Louizos and Wayne Fox.

Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 5-0 to go out of Executive Session.

REGULAR MEETING

Darien Town Hall - Room 206 - 7:48 to 10:25 PM

ZBA members present: Chuck Deluca, Gary Greene, Vic Capellupo, Jeff Williams, Rich Wood, Mike Nedder and Kevin Fullington

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:48 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Deluca announced that the Public Hearing of Calendar No. 25-2014, the application of Mark Smith, P.E. and Alfred Benesch & Co. on behalf of Standard Realty, LLC, 1927 Boston Post Road, is postponed to July 16, 2014 due to a neighbor notification error.

PUBLIC HEARINGS

Due to the lack of a five member panel, the following hearings were continued from the June 18, 2014 meeting, with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 22-2014 - the application of James Quinn submitted on May 21, 2014 for a variance of Section 406; to allow the construction of a second story and attic addition; Section 406: 39.8 in lieu of 50.0 minimum feet required front yard setback. The property is situated on the west side of Mansfield Avenue approximately 1,000 feet north of the intersection with Buttonwood Lane and is shown on Assessor's Map #5 as Lot #42, being 286 Mansfield Avenue and located in an R-2 (residential) Zone.

Jim Quinn answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATION AND DECISION

The following decision was made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 22-2014 - The application of James Quinn, 286 Mansfield Avenue. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance. The members voting in favor of the motion were Gary Greene, Jeff Williams, Vic Capellupo, Chuck Deluca and Mike Nedder.

PUBLIC HEARINGS

CALENDAR NO. 20-2014 - the application of Law Office of Bruce Hill, LLC on behalf of 145 NWL LLC submitted on April 16, 2014 for an interpretation of Section 210 or variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two and one half story house; Section 210: an interpretation that "the average elevation of the finished grade" may be determined utilizing "the assumed pre-pond elevations" on the property; or if necessary a variance of Section 406: 32'-6" in lieu of 30.0 feet maximum allowable building height. The property is situated on the west side of Nearwater Lane approximately 600 feet north of the intersection with

Brush Island Road and is shown on Assessor's Map #56 as Lot #24, being 145 Nearwater Lane and located in an R-1 (residential) Zone.

Attorney Bruce Hill, Architect Phil Hubbard and Surveyor Jeff McDougal answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 24-2014 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of property owner Noroton Company LLC and tenant Papa Joe's Restaurant submitted on May 21, 2014 for variances of Sections 906 and 383; to allow the expansion of the restaurant with no increase in parking requirement; Section 906: 0 in lieu of 34 additional parking spaces for the increased square footage use and 37 in lieu of 104 total required parking spaces for the building; and Section 383: to allow a restaurant use in the Neighborhood Business Zone. The property is located on the northeast corner of the intersection of the Boston Post Road and Noroton Avenue and is shown on Assessor's Map #42 as Lot #1, being 1973 Boston Post Road and located in an R-1/3 (residential) Zone and NB (Neighborhood Business - Commercial) Zone.

Attorney Wilder Gleason and restaurant owner Joe Rovecchio answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 26-2014 - the application of Jacek Bigosinski and PB Architects on behalf of Edgewood Partners LLC submitted on May 21, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 60.3 in lieu of 80.0 feet minimum required lot width, and 13,333 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 60.3 in lieu of 80.0 feet minimum required lot width. The property is situated on the north side of Edgewood Road approximately 330 feet east of the intersection with Herman Avenue and is shown on Assessor's Map #20 as Lot #85, being 18 Edgewood Road and located in an R-1/3 (residential) Zone.

Architect Jacek Bigosinski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Karen Doying questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 27-2014 - the application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren & Patrick Palomo submitted on May 21, 2014 for a variance of Section 825d of the Darien Zoning Regulations; to allow the construction of a substantial improvement two story addition; Section 825d: maintenance of existing living space and construction of additional living space at 37.2 in lieu of 40.0 feet minimum required floor elevation. The property is situated on the south side of Rose Lane approximately 100 feet east of the intersection with Denhurst Place and is shown on Assessor's Map #25 as Lot #14, being 104 Rose Lane and located in an R-1/5 (residential) Zone.

Attorney Amy Zabetakis and Architect Dennis Peters answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties.

ZBA Chair Chuck Deluca clarified that the deliberating and voting members for the following applications would be Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams and Rich Wood.

CALENDAR NO. 20-2014 - The application of Law Office of Bruce Hill, LLC on behalf of 145 NWL LLC, 145 Nearwater Lane. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 4-1 to GRANT IN PART WITH STIPULATIONS the above delineated, requested interpretation. Those voting in favor were Gary Greene, Chuck Deluca, Jeff Williams and Rich Wood. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve an interpretation or variance of the Zoning Regulations. Therefore this request is granted in part with stipulations.

CALENDAR NO. 24-2014 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of property owner Noroton Company LLC and tenant Papa Joe's Restaurant, 1973 Boston Post Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Jeff Williams and Jeff Williams. Chuck Deluca was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting

ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted with stipulations.

CALENDAR NO. 26-2014 - The application of Jacek Bigosinski and PB Architects on behalf of Edgewood Partners LLC, 18 Edgewood Road. Upon a motion by Chuck Deluca, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance and interpretation.

CALENDAR NO. 27-2014 - The application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren & Patrick Palomo, 104 Rose Lane. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Final review of Cal #56-2013 stipulations regarding Giovannis proposed sign.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT final approval of the proposed sign with conditions.

Requested amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.

The Board members discussed the proposal and determined that the applicant would need to submit a new application for further review.

Approval of Minutes of meeting on March 12, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Chuck Deluca, Gary Greene, Vic Capellupo and Rich Wood.

Election of Officers for July 1, 2014 to June 30, 2015, by regular members.

Upon a motion by Gary Greene, seconded by Jeff Williams, the regular ZBA members voted 3-0 to elect Chuck Deluca as Chair for a term extending to June 30, 2015. Those voting in favor of the motion were Gary Greene, Jeff Williams and Mike Nedder. Chuck Deluca and Vic Capellupo also indicated their approval of the motion.

Upon a motion by Gary Greene, seconded by Jeff Williams, the regular ZBA members voted 3-0 to elect Vic Capellupo as Vice Chair for a term extending to June 30,

2015. Those voting in favor of the motion were Gary Greene, Jeff Williams and Mike Nedder. Chuck Deluca and Vic Capellupo also indicated their approval of the motion.

Approval of 2015 Meeting Schedule.

This matter was tabled until a future meeting.

ADJOURNMENT

The meeting was adjourned at 10:25 PM.

These Meeting Minutes,
Respectfully submitted June 30, 2014,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Gary Greene, seconded by Rich Wood, approved by a vote of 4-0 at the ZBA meeting on September 10, 2014. Gary Greene, Rich Wood, Vic Capellupo and Mike Nedder voted in favor of the motion.